

ASSEMBLY BILL

No. 2253

Introduced by Assembly Member Jackson

February 24, 2000

An act to add Section 15631.5 to the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2253, as introduced, Jackson. Elder and dependent financial abuse: reporting.

Existing law requires persons characterized as mandated reporters to report physical abuse, abandonment, isolation, financial abuse, or neglect of an elder or dependent adult, and provides that any mandated reporter who does not make the report is guilty of a misdemeanor.

Existing law also provides that any person who is not a mandated reporter, who knows, or reasonably suspects, that an elder or a dependent adult has been the victim of abuse may report that abuse to a long-term care ombudsman program or local law enforcement agency when the abuse is alleged to have occurred in a long-term care facility.

Existing law also provides that any person who is not a mandated reporter, who knows, or reasonably suspects, that an elder or a dependent adult has been the victim of abuse in any place other than a long-term care facility may report the abuse to the county adult protective services agency or local law enforcement agency.

This bill would specify that when an officer, employee, or agent of a financial institution suspects that a customer of the

financial institution is or may become a victim of financial abuse the officer, employee, or agent may disclose customer information and the facts that form the basis of suspicion of that abuse, to a local agency financial abuse specialist team, an adult protective services office, a public guardian, a long-term care ombudsman, or a federal, state, or local law enforcement agency. The bill would also provide that the financial institution and its officer, employees, and agents shall not be liable to a customer or any other person for disclosing information and facts as specified by this bill.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 15631.5 is added to the Welfare
2 and Institutions Code, to read:
3 15631.5. (a) Notwithstanding Chapter 20
4 (commencing with Section 7460) of Division 7 of Title 1
5 of the Government Code or any other provision of law,
6 when an officer, employee, or agent of a financial
7 institution, as defined in Section 40 of the Probate Code,
8 suspects that a customer of the financial institution is or
9 may become a victim of financial abuse, as defined in
10 Section 15610, the officer, employee, or agent may
11 disclose customer information and the facts that form the
12 basis of suspicion of that abuse to a local agency financial
13 abuse specialist team, an adult protective services office,
14 a public guardian, a long-term care ombudsman, or a
15 federal, state, or local law enforcement agency.
16 (b) Disclosure under subdivision (a) shall be a
17 privileged communication pursuant to subdivision (b) of
18 Section 47 of the Civil Code. A financial institution and its
19 officer, employees, and agents shall not be liable to a
20 customer or any other person for disclosing information
21 and facts as provided in subdivision (a).

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